

AMENDED IN ASSEMBLY MAY 6, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1639**

**Introduced by Assembly Member Firebaugh**

February 21, 2003

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An act to amend Section 917.8 of the Code of Civil Procedure, relating to appeals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, as amended, Firebaugh. Appeals: nuisance.

Existing law provides that the perfecting of an appeal stays proceedings, with specified exceptions, including, but not limited to, if a judgment or order adjudges a building or place to be a nuisance, and ~~as part of that judgment or order~~ directs the closing or discontinuance of any specific use of the building or place for any period of time.

This bill would also prohibit a stay of proceedings, if ~~part of a judgment, injunction, or order directs the discontinuance of the nuisance~~ *grants relief in specified nuisance abatement actions brought by a governmental agency.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 917.8 of the Code of Civil Procedure is  
2 amended to read:

1 917.8. The perfecting of an appeal does not stay proceedings,  
2 in the absence of an order of the trial court providing otherwise or  
3 of a writ of supersedeas, under any of the following circumstances:

4 (a) If a party to the proceeding has been adjudged guilty of  
5 usurping, or intruding into, or unlawfully holding a public office,  
6 civil or military, within this state.

7 (b) If the judgment or order directs a corporation, or any of its  
8 officers or agents, to give to a person adjudged to be a director,  
9 stockholder, or member of that corporation a reasonable  
10 opportunity to inspect or make copies of the books, papers, or  
11 documents of the corporation as the trial court finds that the  
12 director, stockholder, or member is entitled by law to inspect or  
13 copy.

14 (c) If a judgment, ~~injunction~~, or order adjudges a building or  
15 place to be a nuisance, ~~and~~ *and*, as part of that judgment,  
16 ~~injunction~~, or order, directs the discontinuance of the nuisance, or  
17 the closing or discontinuance of any specific use of the building or  
18 place for any period of time.

19 (d) *If a judgment or order, including, but not limited to, a*  
20 *temporary restraining order or preliminary injunction, grants*  
21 *relief in an action brought by a governmental agency under the*  
22 *provisions of Article 2 (commencing with Section 11225) of*  
23 *Chapter 3 of Title 1 of Part 4 of the Penal Code or Article 3*  
24 *(commencing with Section 11570) of Chapter 10 of Division 10 of*  
25 *the Health and Safety Code.*

